

**Jouxson-Meyers
& del Castillo**

Attorneys at Law
a Limited Liability Law Company

November 10, 2005

Via facsimile
The Honorable Patrick K.S.L. Yim
DISCOVERY MASTER
c/o Dispute Prevention & Resolution, Inc.
Suite 1155, Pauahi Tower
1001 Bishop Street
Honolulu, Hawai'i 96813

Re: 04-0051-DM: Discovery Master of: Woodruff, et al. - and - Hawaii Pacific Health, et al.

Dear Judge Yim:

Plaintiffs request the Discovery Master's assistance with the scheduling of the oral depositions of Defendants Roger Drue, Frances Hallonquist, Neal Winn M.D., and Sberrel Hammar M.D. and the attached list of Hawai'i Pacific Health employees (see Exhibit 1). Pursuant to the parties' agreement to cooperate in the scheduling of the depositions, we sent Mr. Robbins the letter attached hereto as Exhibit 2 requesting that he provide us with times and dates for the oral depositions. Plaintiffs complied fully with their agreement to make Drs. Woodruff and Wilkinson available for their depositions prior to Plaintiffs' deposition of Defendants and their employees, even though the arrangement delayed the depositions of Defendants. Plaintiffs learned in October, after this arrangement had been agreed to, that Mr. Robbins was planning to be out of the State during the entire month of November. Mr. Robbins told Plaintiffs and the Court that you insisted on scheduling depositions in another case in which he is involved in the latter part of October, preventing him from making any of the Defendants available.

The delays made it clear that it was not possible to comply with the November 21 due date for the reports of Plaintiffs' experts in Federal court. The parties thus had to apply to the court by stipulation for an extension of the due dates for the reports by Plaintiffs' experts to no later than February 6, 2006, with Defendants' expert reports due 30 days thereafter. Those dates are the absolute latest dates the parties may submit their reports, and the depositions must be completed a reasonable time before the reports are due in order for the experts to have time to consider the testimony prior to making their reports. Thus, the parties reached agreement that at least all of the depositions Plaintiffs are requesting must be completed in the first three weeks in December.

Before Mr. Robbins left last week for a month's vacation, we called to confer about the schedule, explaining that we needed the dates established in order provide other non-party witnesses reasonable notice of their oral depositions. Mr. Robbins assured us

302 California Ave.
Suite 209
Wahiawa, Hawai'i 96786
Phone: (808) 621-8806
Fax: (808) 422-8772

Email Arleen: ajouxson@physicianslawfirm.com
Email Rafael: rdecastillo@physicianslawfirm.com

EXHIBIT L

Rafael G. del Castillo, Member

November 10, 2005

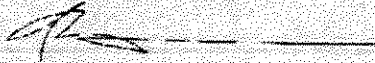
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that he was at that moment preparing a letter advising us of the availability of the listed persons during December. We never received such a letter. Plaintiffs have proceeded with the scheduling of other depositions in November to the extent possible, but conflicts in December are inevitable without the promised schedule from Mr. Robbins.

This case is so replete with discovery delays and avoidance tactics by the HPH Defendants that it may be inferred that Mr. Robbins' failure to provide us with a schedule is the product of a desire to delay and unfairly compromise Plaintiffs' opportunity to fully develop their cases. We thus request your immediate assistance preliminary to noticing Defendants' depositions according to Plaintiffs' convenience, which can be expected to lead to further unnecessary controversies.

Thank you for your assistance to the parties.

Very truly yours,



Rafael G. del Castillo

Encl

cc: Kenneth S. Robbins, Esq. (via facsimile)
John S. Nishimoto, Esq. (via facsimile)
John T. Komeiji, Esq. (via facsimile)

Desiree Medeiros, M.D.

Darryl Glaser, M.D.

Dianne Fochtman

Carol Kotsubo

Rodney Boychuk, M.D.

Randal Wada, M.D.

Sarah Fryberger, M.D.

Wade Kyono, M.D.

Pam Courtney

HPH 30(b)(6) witness re: UB-92s and other topics to be provided

Dew-Anne Langaon

Lawrence O'Brien

Sharon On-Leng

Charles Sted

Rick Robel

Kathleen Correia

EXHIBIT 1

*Jousson-Meyers
& del Castillo*

Attorneys at Law
1111 Kalia Road, Suite 1000
Honolulu, Hawaii 96813

October 11, 2005

Via facsimile

Kenneth S. Robbins, Esq.
Leighton Hara, Esq.
2200 Davies Pacific Center
841 Bishop Street
Honolulu, Hawaii 96813

Re: Woodruff, et al. v. Hawai'i Pacific Health, et al., Civil No. 02-0090-01 (BIA)

Dear Counsel:

We request your cooperation in scheduling the testimony of the following witnesses in the order listed on dates counsel have indicated they are available. Pursuant to our prior discussions, it is our understanding that you will contact the out-of-state witnesses and arrange a date on which they will be able to appear for their depositions. Please note that the list is not exhaustive. The list comprises most, but not all of the HPH witnesses Plaintiffs wish to depose. Plaintiffs believe that it is more efficient to work with a shorter list at this point.

HPH 30(b)(6) witness able to testify about superbills (October 17, 8:30 a.m.-12)

Desiree Medeiros, M.D.

Darryl Glaser, M.D.

Dianne Fochtman (4 hours)

Carol Kotsubo (3-4 hours)

Rodney Boychuk, M.D. (3-4 hours)

Randal Wada, M.D. (4 hours)

Sarah Fryberger, M.D. (3-4 hours)

Wade Kyono, M.D. (3-4 hours)

Pam Courtney (4 hours)

HPH 30(b)(6) witness re: UB-92s and other topics to be provided

Frances A. Hallonquist

Sherrel Hammar, M.D.

Neal Winn, M.D.

Dew-Anne Langcaon

Lawrence O'Brien

Roger Drue

EXHIBIT 2

11/11/2005 10:00 AM

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11/11/2005 10:00 AM

Kenneth S. Robbins, Esq.

October 11, 2005

Re: Woodruff, et al. v. Hawai'i Pacific Health, et al., Civil No. 02-0090-01 (BIA)

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Sharon On-I-eng

Charles Sted

Rick Rohel

Kathleen Correia (3-4 hours)

Defendants have provided Plaintiffs under less than 4 full days for depositions in October, 2 days in November, and no days in December. We have attached what we believe to be the most recent version of the calendars indicating the availability of counsel for Defendants, and we have also provided you with an electronic color-coded copy via e-mail. Plaintiffs require 16 ½ days just with the witnesses listed herein. Accordingly we request that you reevaluate and advise us if you are able to cover depositions on any additional days on which you previously indicated you are unavailable when counsel for all other parties have indicated they are available (note that those days are indicated in yellow in the electronic file). We will write similarly to Mr. Nishimoto and request that he do the same (his days are indicated in blue). When we receive information indicating additional dates available, we will issue an updated calendar.

Please contact the undersigned if you have any questions.

Very truly yours,



Rafael G. del Castillo

Encl

cc: John S. Nishimoto, Esq.
John T. Komeiji, Esq.

October 2005

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November 2005

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December 2005

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